THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 22089 of 2007

Date:12-10-2007

Between:

Dr.Reddy's Laboratories Limited, Hyderarbad

...

Petitioner

AND

The State of A.P., Department of Assignments, Hyderabad and three others

..

Respondents

ORDER:

The petitioner seeks a Writ of Certiorari calling for the records resulting in the order, dated 08.10.2007 in Case No.B/4011/07 passed by the third respondent – Revenue Divisional Officer and quash the same, as illegal and arbitrary and consequently not to interfere with its possession and enjoyment

over its land in Sy.No.44 of Bachupally Village in Ranga Reddy District.

2. The petitioner questions the resumption orders resuming the assigned lands bearing Sy.No.44 admeasuring Ac.10.20 guntas including the structures i.e. buildings etc. situated at Bachupally Village, Qutbullapur Mandal by the fourth respondent vide his order No.A/3511/05 dated 15.12.2005 confirmed by the third respondent in Case No.B/4011/07 dated 08.10.2007. The resumption orders have been passed by the fourth respondent on the ground that the lands of an extent of one acre each to ten landless poor persons and ½ acre to one person have been assigned in their favour-assignees. The said lands are the ceiling surplus lands assigned to landless poor which are not alienable, but the petitioner purchased the said lands in contravention of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

3. Though the said orders have been passed on 15.12.2005 and served on the petitioner on 17.12.2005, petitioner did not choose to question, but belatedly filed an appeal before the third respondent on 06.09.2007 and the appellate authority dismissed the appeal in Case No.B/4011/07 dated 08.10.2007 stating that the assignees have alienated the said land in violation of Section 3(2) of the Act and therefore, there are no reasons to interfere with the orders of the fourth respondent.

4. I am of the opinion that as against the said orders of the Revenue Divisional Officer, a revision lies under Section 4-B of the Act to the District Collector – Revisional Authority. Having questioned the said resumption orders, raising various grounds, the learned counsel for the petitioner seeks permission of this Court to permit the petitioner to avail the remedy of revision.

5. It is not in dispute that after passing the resumption orders, the Government has taken possession of the land on 29.11.2005 and

advance possession was given on 06.09.2007 in favour of APCPDCL but it is stated that some permanent structures have not been demolished.

Having regard to the facts and circumstances of the case, the writ petition is accordingly dismissed directing the respondents to maintain status quo with regard to the nature of the property obtained as on today for a period of two weeks so as to enable the petitioner to avail the remedy of revision and to take steps to get appropriate orders. There shall be no order as to costs.

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V. ESWARAIAH, J

October 12, 2007
Note: Issue operative portion by wire at party's costs.
(**B/o**)
CCM/DSK